



South Carolina House of Representatives

# Legislative Update

David H. Wilkins, Speaker of the House

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*NOTE: Bill summaries included in this document are prepared by the staff of the South Carolina House of Representatives and are not the expression of the legislation's sponsor(s) or the House of Representatives. The summaries are strictly for the internal use and benefit of members of the House of Representatives and are not to be construed by a court of law as an expression of legislative intent.*

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## HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent to the Senate, H.3899, the **RESEARCH UNIVERSITIES RESTRUCTURING AND INFRASTRUCTURE ACT**.

This bill revises current provisions in order to allow South Carolina's research universities - the University of South Carolina, Clemson University, and the Medical University of South Carolina - to focus on research and development and to focus on their role in a knowledge-based economy.

H.3899 creates and provides for a ten member South Carolina Research Oversight Council (the Council) to provide oversight and to coordinate the affairs of the three research universities. These institutions would no longer be members of the Commission on Higher Education. Funds for the necessary technical, administrative, and clerical assistance and other expenses of the Council would be carried in the annual appropriation act. The sum appropriated to fully fund the Council would be divided evenly among the three universities.

H.3899 enacts the "State General Obligation Economic Development and Research University Bond Act" which, among other things, increases the limitation on general obligation debt from five percent to five and one-half percent, with the additional debt service capacity to provide infrastructure and facilities for economic development within the State and the advancement of the research universities, as provided in the bill.

H.3899 includes other provisions intended to give these Research Universities the flexibility and responsibility to assume a greater role in the State's economic development. These provisions include, but are not limited to: removal of the cap for federal/other funded employee bonus pay; provision of graduate assistant health benefits; allowing establishment of research grant positions without regard to the university's authorized allocation of FTE's; and, increasing the maximum allowed number of education fee waivers at these universities from 2% to 4% of the student body.

The House amended, approved, and sent to the Senate H.3900, the "**VENTURE CAPITAL INVESTMENT ACT OF SOUTH CAROLINA**." This bill establishes within the Department of Commerce a fund governed by a seven-member board appointed by the Speaker of the House, the President *Pro Tempore* of the Senate, and the Governor, to promote investment in knowledge-based technology companies. The fund is required to seek capital commitments to the fund in accordance with procedures approved by the State Budget and Control Board. These proceeds would be used to make investments with venture capital investors. The venture capital companies would then invest those monies in qualified companies in South Carolina. The bill defines "venture capital" as equity, near equity, and seed capital financing including, without limitation, early stage research and development capital for startup enterprises, and other equity, near equity, or seed capital for growth and expansion of entrepreneurial enterprises. If the fund has insufficient monies to repay these funds, the fund may issue tax credit certificates used to offset state bank and



insurance premium tax liabilities. No more than twenty million dollars in tax credit certificates can be redeemable in any one year, and no more than one hundred million dollars may be issued and outstanding at any one time. The bill provides that the fund may retain an amount annually, not to exceed one percent of the capital commitments received, for expenses incurred by the fund. The bill's stated intent is to increase the availability of equity, near equity, or seed capital of at least one hundred million dollars for emerging, expanding, relocating, and restructuring enterprises in South Carolina, so as to strengthen the State's economic base and to support the State's economic goals. The bill is also intended to address long-term capital needs of small-sized and medium-sized firms, to address the needs of micro enterprises, to expand availability of venture capital, and to increase international trade and export finance opportunities for South Carolina based companies.

The House returned **S.203** to the Senate with amendments. This bill establishes the **SOUTH CAROLINA HIGHER EDUCATION EXCELLENCE ENHANCEMENT PROGRAM**, administered by the Commission on Higher Education (the Commission) for the general purpose of enhancing the educational opportunities of low-income and educationally disadvantaged children. The program would be funded from the Education Lottery Account as provided by the General Assembly. From these funds, the Commission would contract with "eligible institutions" (defined as four-year institutions of higher learning at which sixty percent or more of the enrolled undergraduate students are low income and educationally disadvantaged students) certified by the Commission to accomplish the purposes of the bill. Allowed uses of these fund include, but are not limited to: purchase, rental, or lease of scientific or laboratory equipment; construction, maintenance, renovation, and improvement of instructional facilities; support of faculty exchanges, development, and fellowships; purchase of library materials; tutoring, counseling, and other student services to improve academic success; funds and administrative management, and acquisition of equipment for use in strengthening funds management; joint use of facilities such as libraries and labs; establishment or improvement of development offices to facilitate private sector fundraising; and establishing or enhancing teacher education programs.

The House did not concur in Senate amendments to **S.208**, a bill providing for **PUBLIC SERVICE COMMISSION REFORM**. The House appointed members to a conference committee to address differences with the Senate on this bill.

The House amended, approved, and sent to the Senate **H.3187**, a bill **PROHIBITING STATE USE OF AN INDEPENDENT CONTRACTOR LOBBYIST**. The bill provides that it is unlawful for a state agency, authority, or department to directly or indirectly hire or retain an independent contractor as a lobbyist. This provision does not include foundations established by state-sponsored universities or institutions of higher education that do not receive appropriated funds on an annual basis.

The House amended, approved, and sent to the Senate **H.3080**, a bill **PROHIBITING AN UNAUTHORIZED CHANGE OF UTILITY PROVIDER**, a practice commonly referred to as "slamming." The bill provides that a utility (gas, heat, water, sewerage collection and disposal, street railway service, telephone, and electrical)

may not submit a change request for a customer's utility provider without the customer's authorization. Techniques approved by state and federal agencies must be used when changing a customer's utility provider. Under the legislation, a violator of the anti-slamming provisions is liable to the customer for all charges incurred by the customer, in excess of those normally incurred through his designated provider, during the period of the unauthorized change. A telephone utility that violates the provisions is liable as provided under Federal Communications Commission guidelines. A utility that willfully, knowingly, or repeatedly violates these anti-slamming provisions is subject to a fine of not less than two thousand dollars nor more than ten thousand dollars for each violation. The fines collected are to be collected and retained by the Public Service Commission.

The House returned **S.224** to the Senate with amendments. This bill provides that the term "**YOUTHFUL OFFENDER**" includes a person under seventeen years of age who has committed a nonviolent crime that is a Class D Felony. The bill also provides that **IN ANY CRIMINAL CASE AN ATTORNEY MAY CHARGE A NONREFUNDABLE FLAT FEE.**

The House amended, approved, and sent to the Senate **H.3531**. This bill **AUTHORIZES THE DEPARTMENT OF CORRECTIONS TO ENTER INTO CONTRACTS WITH PRIVATE SECTOR ENTITIES THAT ALLOW FOR INMATE LABOR TO BE PROVIDED FOR PRISON INDUSTRY SERVICE WORK AND EXPORT WORK** that involves exportation of products. The bill allows the Department to negotiate the wage to be paid under these contracts, and allows that the wage may be less than the prevailing wage for similar work in the private sector. The bill requires the Director of the Department to deduct from an inmate's gross earnings: twenty-percent to fulfill court-ordered restitution to the victim(s); if restitution has been satisfied or was not ordered, twenty-percent to the South Carolina Victims' Compensation Fund; ten percent to the Department to defray costs of room and board for the prisoner.

The House amended, approved, and sent to the Senate **H.3052**, a bill revising **PENALTIES FOR LITTERING**. The bill provides that when the sentence for a littering violation includes litter-gathering labor in addition to a fine or imprisonment, the litter-gathering portion of the sentence is mandatory and must not be suspended. However, the court, upon the request of the violator, may direct that the person pay an additional monetary penalty in lieu of the litter-gathering portion of the sentence that must be equal to the amount of five dollars an hour of litter-gathering labor. Probation may not be granted in lieu of the litter-gathering requirement except for a person's physical or other incapacities. All funds collected in lieu of the mandatory litter-gathering labor must be remitted to Palmetto Pride to be used in connection with their litter efforts. The bill also provides that only those littering violations which occurred within a period of five years including and immediately preceding the date of the last violation constitute prior violations under the provisions.



The House amended, approved, and sent to the Senate **H.3426**, a bill **REVISING THE SCOPE OF STATE COMMISSION FOR MINORITY AFFAIRS**. This bill revises provisions relating to the membership, powers, and duties of the State Commission for Minority Affairs. The legislation increases the membership of the commission from seven to nine members by adding two positions appointed by the Governor from the State at-large upon the advice and consent of the Senate. The legislation provides that the minority population served by the commission consists of African Americans, Native American Indians, Hispanics/Latinos, Asians, and others. The legislation expands the duties of the commission to so as to provide that the commission shall: determine, approve, and acknowledge by certification state recognition for Native American Indian entities; establish advisory committees representative of minority groups, as it considers appropriate to advise the board; seek federal and other funding on behalf of the State of South Carolina for the express purpose of implementing various programs and services for African Americans, Native American Indians, Hispanics/Latinos, and other minority groups; and, promulgate regulations as may be necessary to carry out the provisions of this article including, but not limited to, regulations regarding State Recognition of Native American Indian entities in the State of South Carolina.

The House approved and sent to the Senate **H.3705**. This bill authorizes and provides for **STATE INCOME TAX CREDITS UP TO FIVE HUNDRED DOLLARS A YEAR ON A PHASED-IN BASIS FOR CERTAIN CONTRIBUTIONS MADE TO ELIGIBLE NONPROFIT EDUCATION FOUNDATIONS** that provide academic assistance grants for children who attend public or nongovernment schools, a majority of whom must qualify for needs-based assistance.

The House approved and sent to the Senate **H.3079**, a bill regarding **PROPERTY TAXES ON WATERCRAFT AND OUTBOARD MOTORS**. Current law requires that personal property taxes on a watercraft and outboard motor must be current before the title to these items may be transferred. This bill provides that this prohibition on the transfer of title applies only for property taxes due for property tax years beginning after 1999. The bill provides that used watercraft and used outboard motors obtained from a licensed dealer on or after October 3, 2000, are free of the lien for the payment of property taxes for property tax years before 2000. The bill provides that no refunds of property taxes on watercraft and outboard motors are payable for property tax years before 2001. The bill repeals an act of 2002 relating to property taxes on watercraft and motors applicable only for Lexington County with similar provisions.

The House amended, approved, and sent to the Senate **H.3223**, a bill revising **SIGNAGE REQUIRED OF APPLICANTS FOR BEER AND WINE PERMITS/ALCOHOLIC BEVERAGES LICENSES**. The bill provides that in addition to the sign that is required to be posted on the site applying for a beer and wine permit or an alcoholic beverages license, another such sign must be placed on the main thoroughfare nearest the location. The bill provides that notice is deemed effective fifteen days after the initial posting of the signs. The bill also increases the dimensions of signs required for beer and wine permit applicants to twelve inches wide and eighteen inches high.



The House amended, approved, and sent to the Senate **H.3737**, a bill establishing a **NOTIFICATION REQUIREMENT FOR CONFISCATED LICENSE PLATES**. This bill provides that when a law enforcement officer confiscates a license plate, he shall leave notice at the location where the license plate was confiscated that contains his name and law enforcement agency, the date the license plate was confiscated, and the reason it was confiscated.

The House amended, approved, and sent to the Senate **H.3151**, a bill that raises the jurisdictional amount below which **CLAIMS FOR AND AGAINST MINORS AND INCAPACITATED PERSONS** may be heard in probate court from twenty-five thousand to one hundred thousand dollars. The bill also establishes new provisions regarding the handling of settlements in such claims.

The House approved and sent to the Senate **H.3133**, a bill modifying the definition of **NONMARITAL PROPERTY**. For purposes of judicial apportionment during marital litigation, this bill includes as nonmarital property any property that is neither acquired with marital funds nor titled in the name of one or the other spouse, or both of them. Such property must not be: the subject of a marital equitable claim or distribution between the spouses; apportioned temporarily or permanently to either spouse; or transmuted into marital property for any purpose.

The House amended, approved, and sent to the Senate **H.3591**, a bill that conforms statutes regarding the **PRACTICE OF SPECIALIZING IN HEARING AIDS** to the statutory, organizational, and administrative framework established for professional and occupational boards. The bill includes provisions for the licensure and regulation of hearing aid specialists, including penalties for violations. The bill devolves the powers, duties, functions, and responsibilities of the Department of Health and Environmental Control (DHEC) regarding the "Practice of Specializing in Hearing Aids Act" upon the Department of Labor, Licensing, and Regulation. The bill establishes the Board of Examiners for Hearing Instrument Specialists and Fitters (the Board), comprised of: five hearing instrument specialists, each of whom must have five years or more experience and hold a valid hearing aid specialist license; one licensed otolaryngologist (ear, nose, and throat doctor); and one consumer member. All Board members would be appointed by the Governor with the advice and consent of the Senate. The bill requires that a licensee, before dispensing a hearing aid, must conduct a hearing measurement including pure tone audiometry, speech audiometry, and hearing aid evaluation. The bill requires practitioners to be licensed either as a hearing instrument specialist or as a hearing aid fitter, and the bill provides requirements for each of these designations. The bill allows the Board to issue a temporary permit valid for twelve months and renewable for another twelve months. During the temporary permit period, the bill requires that the permit holder pass a Board-approved examination. The bill includes a grandfather clause for hearing aid dealers who currently are licensed by DHEC. The bill requires that licensed hearing instrument specialists and fitters must receive at least sixteen hours of continuing education every two years. The bill exempts licensed audiologists from licensure by the Board.



The House amended, approved, and sent to the Senate **H.3397**. This bill, in an effort to reduce the weight of backpacks and related back injuries to students, **ENCOURAGES TEXTBOOK PUBLISHERS TO PROVIDE COMPACT DISC COPIES OF MIDDLE AND SECONDARY SCHOOL TEXTBOOKS**. For pupils without access to computers, the bill encourages schools to issue two textbooks, one for use at school and one for use at home. The bill also encourages local school boards to adopt policies to alleviate the burden of heavy backpacks.

The House amended, approved, and sent to the Senate **H.3741**, a bill establishing certain **EXEMPTIONS FROM THE STATE EMPLOYEE GRIEVANCE PROCEDURE ACT**. The bill provides that employees of the Offices of the Lieutenant Governor, Secretary of State, State Treasurer, Attorney General, Comptroller General, Superintendent of Education, Adjutant General, and the Commissioner of Agriculture are exempt from the provisions of the State Employee Grievance Procedure Act if those employees report directly to a constitutional officer or report directly to a person who reports directly to a constitutional officer. Additionally, management employees of the Department of Alcohol and Other Drug Abuse Services, the Department of Commerce, the Department of Corrections, the Department of Health and Human Services, the Department of Insurance, the Department of Juvenile Justice, the Department of Labor, Licensing and Regulation, the Department of Parks, Recreation and Tourism, the Department of Probation, Parole and Pardon Services, the Department of Revenue, the Department of Social Services, the State Law Enforcement Division, and the Department of Public Safety are exempt from the provisions of the State Employee Grievance Procedure Act if those employees report directly to the agency head or report directly to a person who reports directly to the agency head.

The House amended, approved, and sent to the Senate **H.3867**, a bill providing revisions for **JURY POOLS IN MUNICIPAL AND MAGISTRATES COURTS**. This bill revises provisions relating to drawing and composing a jury in municipal court, so as to increase the size of the pool from which jurors are selected. The bill eliminates a provision for drawing a jury for a single trial that requires peremptory challenges in advance of the trial date. The bill revises provisions relating to selection of a jury in magistrates court, so as to increase the size of the jury pool from which a jury is selected and make other revisions to make provisions consistent and free of archaic language. The bill also provides that the State Election shall in October of each year provide the chief magistrate for the administration of each county a jury list from tape of persons holding valid South Carolina driver's license or identification card.

The House amended, approved, and sent to the Senate **H.3369**, a bill authorizing **PAYROLL DEDUCTION FOR DUES OF MEMBERS OF THE SOUTH CAROLINA WILDLIFE LAW ENFORCEMENT OFFICERS' ASSOCIATION**.

The House approved and ordered enrolled for ratification **S.360**, a bill that **REVISES PROCEDURES INCLUDED IN THE UNIFORM COMMERCIAL CODE (UCC) - SECURED TRANSACTIONS CHAPTER BY RECALCULATING HOW FEES FOR FILING AND INDEXING ARE ASSESSED**. The bill re-establishes the filing fee schedule for



processing UCC documents to: an eight dollar base filing fee if the record is written and consists of one or two pages; a ten dollar fee if the record is written and consists of three pages - and one dollar for each additional page after the third page; a ten dollar fee if the record is communicated by another authorized medium.

The House approved and sent to the Senate **H.4006**, a bill which authorizes and provides for **TRIDENT TECHNICAL COLLEGE TO ESTABLISH A FOUR-YEAR CULINARY CURRICULUM PROGRAM AND AWARD BACCALAUREATE DEGREES IN CULINARY ARTS**. The bill provides that funding for the program will be provided by the State Board for Technical and Comprehensive Education from existing appropriations for instructional programs or from other available sources as determined by the state board.

The House approved and sent to the Senate **H.3677**, a bill that changes statutory references to phrases including "vocational education," "vocational training," and "vocational programs," to **"CAREER AND TECHNOLOGY EDUCATION," "CAREER AND TECHNOLOGY TRAINING," AND "CAREER AND TECHNOLOGY PROGRAMS."**

The House approved and sent to the Senate **H.4016**, **"THE COLLEGE OF CHARLESTON ACADEMIC AND ADMINISTRATIVE FACILITIES BOND ACT,"** which provides for the manner in which and conditions under which the College of Charleston (the University) may issue revenue bonds for the acquisition of academic and administrative buildings. The bill authorizes and provides for the University, subject to the approval of the State Budget and Control Board, to issue bonds of the University for the purpose of financing or refinancing in whole or in part the cost of acquisition, construction, reconstruction, renovation, and improvements of land, buildings, and other improvements to real property and equipment for the purpose of providing certain academic and administrative buildings as defined in the bill. The bill requires that bonds issued must be authorized by a resolution of the board of the university, and the bill provides that the resolution may contain provisions which constitutes a part of the contract between the University and the holders of the bonds, as to items specified in the bill. The bill provides that the bonds must mature within forty years from their date and they are payable from the fees and revenues as the University in its discretion may designate pursuant to the authorizing resolution and from any other available funds of the University designated by the University pursuant to the authorizing resolution except funds of the University derived from appropriations received from the General Assembly and any tuition funds pledged to the repayment of state institution bonds. The bill provides that the use of academic fees must be approved by the University board and the bonds are not general obligations of the State. The bill prohibits issuance of the bonds unless an identified source or sources of revenue are designated for the repayment of the bonds.

The House approved and ordered enrolled for ratification **S.463**, a bill pertaining to certain **DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS' PROPERTY**. The bill confirms the Department of Disabilities and Special Needs' (DDSN) ownership of a certain 285-acre tract of land in Richland County and directs the State Budget and Control Board to deed this property to DDSN and allow DDSN the proceeds of any



sale of the property. The transfer of this property from the Department of Mental Health to the Department of Mental Retardation was authorized by the General Assembly in 1972 but no deed was executed. DDSN is the successor agency to the Department of Mental Retardation.

The House approved and ordered enrolled for ratification **S.497**, a bill which **ALLOWS THE GOVERNING BODY OF A COUNTY BY ORDINANCE TO REDUCE THE ASSESSMENT RATION APPLICABLE IN DETERMINING THE ASSESSED VALUE OF GENERAL AIRCRAFT SUBJECT TO PROPERTY TAX IN THE COUNTY TO A RATIO AT LEAST FOUR PERCENT OF THE FAIR MARKET VALUE OF THE AIRCRAFT.** The bill requires that the ordinance must apply uniformly to all general aircraft subject to property tax in the county.

The House recommitted to the Ways and Means Committee **H.3188**, a joint resolution which creates and provides for the **SOUTH CAROLINA UNBORN CHILDREN MONUMENT COMMISSION.** The bill charges this Commission to direct that a privately funded monument of specified proportions be erected in a prominent place on the State House grounds as a memorial to unborn children from legal abortions in South Carolina. The bill provides that the monument shall be a six-foot statue of an unborn child on a two-foot base to be placed in a prominent location on the State House grounds, visible from the roadway.

The House recommitted to the Judiciary Committee, **H.3587**, a bill pertaining to **JOINT CHILD CUSTODY.** The bill provides that in an action in which child custody or visitation is in dispute, there is a rebuttable presumption that joint custody is in the best interest of the child. However, the judge may designate one parent as the primary caregiver and the other parent as the secondary caregiver.

## HOUSE COMMITTEE ACTION

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The House Agriculture, Natural Resources, and Environmental Affairs Committee gave a favorable report to **H.3839.** This bill **AUTHORIZES OFFICERS AND AGENTS OF THE STATE LIVESTOCK-POULTRY HEALTH COMMISSION (THE COMMISSION) AND OTHER LAW ENFORCEMENT OFFICERS TO USE THE UNIFORM TRAFFIC TICKET FOR VIOLATIONS OF TITLE 47 (ANIMALS, LIVESTOCK, AND POULTRY) OF THE SOUTH CAROLINA CODE OF LAWS WHICH FALL WITHIN THE JURISDICTION OF THE COMMISSION AND OF THE SUMMARY COURTS.** The bill also amends current law regarding traffic tickets so as to include on the uniform traffic ticket, offenses related to livestock and poultry.

The Committee reported favorable with amendment on **H.3950**, a comprehensive bill known as the **AQUACULTURE ENABLING ACT**. "Aquaculture" is defined in the bill as controlled cultivation of an aquatic species in confinement, and "aquaculture business" is defined as involvement in aquaculture for a commercial purpose. The bill provides that the Department of Natural Resources (DNR) has regulatory authority for permitting and licensing pertaining to aquaculture and aquaculture businesses. The provisions of the bill do not apply to any saltwater species. The bill provides that applicants for permits or licensure may be required to obtain additional federal or state permits required under current statutes and regulations.

The bill includes, but is not limited to, provisions relating to: out-of-state aquaculturists who buy or sell in the state; common carriers of aquaculture products; persons buying, receiving, or selling out-of-state aquaculture products; freshwater gamefish and regulated aquaculture products produced under permit as authorized in the bill; prohibition against engaging in aquaculture for a commercial purpose, except as allowed in the bill, and provisions for violation of this prohibition; circumstances under which a person must obtain an annual aquaculture permit from DNR and provisions and procedures related to various aquaculture permits; conditions which DNR must consider before issuing a permit and before setting permit conditions; provisions, including punishment by fines or imprisonment, for persons who fail to acquire an aquaculture permit or register an aquaculture facility; establishment of magistrate's court jurisdiction for criminal cases arising from the provisions of the bill; and provisions relating to taking of freshwater nongamefish other than shad, herring, and sturgeon.

## JUDICIARY

The full House Judiciary Committee met on Tuesday, April 22, and reported out several bills.

The committee gave a report of favorable with amendments on **H.3777**, a bill providing for a **UNIFORM STATEWIDE VOTING SYSTEM**. The legislation provides that the State Election Commission shall: (1) approve and adopt one voting system to be used by authorities charged by law with conducting elections; (2) support the authorities charged by law by providing training for personnel in the operation of the voting system approved and adopted by the commission; and (3) support all aspects of creating the ballots and the database of the voting system which is approved and adopted. Under the bill, a vote recorder or optical scan voting system may not be approved for use in the State unless qualified by the National Association of State Election Directors as meeting or exceeding the minimum requirements of the Federal Election Commission's national voting system standards.

The committee gave a report of favorable with amendments on **H.3426**, a bill **REVISING THE SCOPE OF STATE COMMISSION FOR MINORITY AFFAIRS**. This bill revises provisions relating to the membership, powers, and duties of the State Commission for Minority Affairs. The legislation increases the membership of the



commission from seven to nine members by adding two positions appointed by the Governor from the State at-large upon the advice and consent of the Senate. The legislation provides that the minority population served by the commission consists of African Americans, Native American Indians, Hispanics/Latinos, Asians, and others. The legislation expands the duties of the commission to so as to provide that the commission shall: determine, approve, and acknowledge by certification state recognition for Native American Indian entities; establish advisory committees representative of minority groups, as it considers appropriate to advise the board; seek federal and other funding on behalf of the State of South Carolina for the express purpose of implementing various programs and services for African Americans, Native American Indians, Hispanics/Latinos, and other minority groups; and, promulgate regulations as may be necessary to carry out the provisions of this article including, but not limited to, regulations regarding State Recognition of Native American Indian entities in the State of South Carolina.

The committee gave a favorable report on H.3475, a bill that **REQUIRES ALL COUNTIES TO RECOGNIZE MARTIN LUTHER KING, JR. DAY AS A COUNTY HOLIDAY**. Under the bill, the third Monday of January of each year, Martin Luther King, Jr. Day, must be recognized by each county of this State as a county holiday.

The committee gave a report of favorable with amendments on H.3223, a bill revising **SIGNAGE REQUIRED OF APPLICANTS FOR BEER AND WINE PERMITS/ALCOHOLIC BEVERAGES LICENSES**. The bill provides that in addition to the sign that is required to be posted on the site applying for a beer and wine permit or an alcoholic beverages license, another such sign must be placed on the main thoroughfare nearest the location. The bill provides that notice is deemed effective fifteen days after the initial posting of the signs. The bill also increases the dimensions of signs required for beer and wine permit applicants to twelve inches wide and eighteen inches high.

The committee gave a favorable report on H.3867, a bill providing revisions for **JURY POOLS IN MUNICIPAL AND MAGISTRATES COURTS**. This bill revises provisions relating to drawing and composing a jury in municipal court, so as to increase the size of the pool from which jurors are selected. The bill eliminates a provision for drawing a jury for a single trial that requires peremptory challenges in advance of the trial date. The bill revises provisions relating to selection of a jury in magistrates court, so as to increase the size of the jury pool from which a jury is selected and make other revisions to make provisions consistent and free of archaic language.

The committee gave a report of favorable with amendments on H.3737, a bill establishing a **NOTIFICATION REQUIREMENT FOR CONFISCATED LICENSE PLATES**. This bill provides that when a law enforcement officer confiscates a license plate, he shall leave notice at the location where the license plate was confiscated that contains his name and law enforcement agency, the date the license plate was confiscated, and the reason it was confiscated.

The committee gave a favorable report on **H.3769**, a bill providing that a **SAVANNAH RIVER SITE LAW ENFORCEMENT OFFICER MAY BE TRAINED AT THE CRIMINAL JUSTICE ACADEMY**. This bill provides that a person employed as a law enforcement officer with the Savannah River Site Law Enforcement Department may attend and be trained at the Department of Public Safety's Criminal Justice Academy Division.

## WAYS AND MEANS

The House Ways and Means Committee reported out a number of bills this week.

The Committee reported favorable with amendment on **H.3919**, the **DEPARTMENT OF REVENUE'S ANNUAL "CLEAN-UP BILL,"** which amends numerous sections of the Tax Code including, but not limited to, property tax appeals, duties of the Department of Revenue (DOR), the accommodations tax, and job tax credit.

The Committee reported favorable on **H.3705**. This bill authorizes and **PROVIDES FOR STATE INCOME TAX CREDITS UP TO FIVE HUNDRED DOLLARS A YEAR ON A PHASED-IN BASIS FOR CERTAIN CONTRIBUTIONS MADE TO ELIGIBLE NONPROFIT EDUCATION FOUNDATIONS** that provide academic assistance grants for children who attend public or nongovernment schools, a majority of whom must qualify for needs-based assistance.

The Committee reported favorable on **H.3291**, a bill which **REQUIRES THAT A REFERENDUM BE HELD ON THE QUESTION OF RAISING THE BONDED INDEBTEDNESS LIMIT OF A POLITICAL SUBDIVISION OR SCHOOL DISTRICT**. The referendum must be held on the date of the general election, and before the question may appear on the ballot, the question must be certified to the appropriate election commission at least 45 days before that date.

The Committee reported favorable on **H.3903**, a bill which **AUTHORIZES AND PROVIDES FOR THE IMPOSITION BY REFERENDUM OF A ONE CENT SALES AND USE TAX IN A MUNICIPALITY** for a limited period of time, for specific projects, and to collect a limited amount of money.

The Committee reported favorable on **H.3079**, a bill regarding **PROPERTY TAXES ON WATERCRAFT AND OUTBOARD MOTORS**. Current law requires that personal property taxes on a watercraft and outboard motor must be current before the title to these items may be transferred. This bill provides that this prohibition on the transfer of title applies only for property taxes due for property tax years beginning after 1999. The bill provides that used watercraft and used outboard motors obtained from a licensed dealer on or after October 3, 2000, are free of the lien for the payment of property taxes for property tax years before 2000. The bill provides that no refunds of property taxes on watercraft and outboard motors are payable for property tax years before 2001. The bill repeals an act of 2002 relating to



property taxes on watercraft and motors applicable only for Lexington County with similar provisions.

The Committee reported favorable with amendment on **H.3986**, a bill which **REVISES VARIOUS PROVISIONS FOR BINGO GAMING**. This bill establishes strict standards for the use of electronic devices used as gaming aids, including but not limited to revisions to current provisions related to: requirements, procedures, and definitions concerning site systems, electronic dabbers, and bingo tickets; requirements regarding use of electronic or mechanical devices designed for bingo games; and procedures which must be followed when an organization or promoter seeks clarification. The bill adds additional restrictions to ensure that the electronic devices will not be used for video poker. As reported by the Committee, the bill also ensures that any federally-recognized Indian tribes authorized to conduct bingo games would be allowed to use the same technology and gaming devices authorized by the bill, but would also not allow them to be used for video poker.

The Committee reported favorable on **H.3962**, a bill which **REVISES CURRENT PROCEDURES REGARDING MANUFACTURING AND DISTRIBUTION OF BINGO CARDS, TICKETS, OR ELECTRONIC DEVICES**. Included in the bill are revisions to relevant licensing procedures, application procedures, and criteria that bingo cards must meet (including bearing of the South Carolina state seal and denomination of value) and punishment for violation of this criteria; and revision to provisions regarding persons who are not permitted to manage or conduct or assist in a game with the bingo operation industry.

The Committee reported favorable on **H.4008**, a bill which **MAKES NUMEROUS REVISIONS TO THE CURRENT STATE RETIREMENT SYSTEM**. These revisions include, but are not limited to:

- A revision of the term "earned service" so as to include in that definition service rendered while participating in the State Optional Retirement Program (ORP); the Optional Retirement Program for Teachers and School Administrators (ORPTSA); or the Optional Retirement Program for Publicly-Supported Four-Year and Postgraduate Institutions of Higher Education (Higher Ed ORP) that has been purchased pursuant to specified procedure; or service earned as a participant in the system, the South Carolina Police Officers Retirement System (PORS), the General Assembly Retirement System (GARS), or the Judges' and Solicitors' Retirement System (JSRS) that is transferred to or purchased in the system;
- A provision that a retirement system member's highest fiscal year salary shall include the salary while participating in the ORP, the ORPTSA, or the Higher Ed ORP if the member has purchased service rendered under any of these programs pursuant to specific provisions of the bill;
- A provision that an active member on an approved leave of absence from a participating employer who returns to covered employment within four years

may purchase service credit for the approved leave, under specified conditions; Currently, there is no time specified for return to employment;

- Provisions regarding an active member's establishment of service credit for periods of service in the ORP, ORPTSA, or the Higher Ed ORP by making payments to the system which are determined by the State Budget and Control Board, but which must be at least sixteen percent of the member's current salary or career highest fiscal year salary, whichever is greater, for each year of credit purchased;
- A provision that earned service previously withdrawn and reestablished, purchased service credit earned as a participant in the ORP, the ORPTSA, or the Higher Ed ORP, or service earned as a participant in the system, the PORS, the GARS, or the JSRS that is transferred to or purchased in the system, is "earned service" and is eligible to be counted toward the required five or more years of service necessary for benefit eligibility;
- A revision of the definition of "eligible employee" so as to add to that definition a person hired on or after July 1, 2003, by specified employers to fill a temporary position or a part-time position; an employee hired after January 1, 2003, by the State who is not covered by the State Employee Grievance Procedure but who is eligible to participate in the South Carolina Retirement System (SCRS) or the PORS;
- A provision defining "open enrollment period" to mean the period from January first to March first of each year;
- A provision requiring that a State ORP participant who accepts an additional concurrent position with an employer participating in the SCRS must enroll in the State ORP for the second position if the second position is eligible to participate in the State ORP;
- A provision that a member of the SCRS who accepts an additional concurrent position with an employer participating in the SCRS must enroll in the SCRS with respect to that position;

Deletion of current exceptions to the provision that election to participate in the State ORP is irrevocable, and addition of language providing for a State ORP participant to join the SCRS and addition of a provision that any ORP participant who was a participant in the Higher Ed ORP may irrevocably elect to participate in the SCRS during the open enrollment period from January 1, 2004, to March 1, 2004.

The Committee reported favorable on **H.4006**, a bill which **AUTHORIZES AND PROVIDES FOR TRIDENT TECHNICAL COLLEGE TO ESTABLISH A FOUR-YEAR CULINARY CURRICULUM PROGRAM AND AWARD BACCALAUREATE DEGREES IN CULINARY ARTS**. The bill provides that funding for the program will be provided by the State Board for Technical and Comprehensive Education from existing



appropriations for instructional programs or from other available sources as determined by the state board.

The Committee reported favorable with amendment, minority unfavorable on **H.3963**, a bill dealing with **TAXATION ON IMPROVED PROPERTY**. As amended by the Committee, the bill allows a county by ordinance to require changes in the appraised value and use of real property attributable to structural improvements on the real property to be listed for taxation with the auditor within thirty days following the day the improvements are completed and fit for the intended use. The bill also provides that in a county in which such an ordinance is in effect, any additional property tax attributable to improvements listed with the county auditor after June 30 of the property tax year is due and payable when taxes are due on the property for the succeeding property tax year. The bill also clarifies that these provisions do not apply to real property assessed as manufacturing or utility property.

The Committee gave a favorable report to **H.4016**, "**THE COLLEGE OF CHARLESTON ACADEMIC AND ADMINISTRATIVE FACILITIES BOND ACT,**" which **PROVIDES FOR THE MANNER IN WHICH AND CONDITIONS UNDER WHICH THE COLLEGE OF CHARLESTON (THE UNIVERSITY) MAY ISSUE REVENUE BONDS FOR THE ACQUISITION OF ACADEMIC AND ADMINISTRATIVE BUILDINGS.**

The bill authorizes and provides for the University, subject to the approval of the State Budget and Control Board, to issue bonds of the University for the purpose of financing or refinancing in whole or in part the cost of acquisition, construction, reconstruction, renovation, and improvements of land, buildings, and other improvements to real property and equipment for the purpose of providing certain academic and administrative buildings as defined in the bill. The bill requires that bonds issued must be authorized by a resolution of the board of the university, and the bill provides that the resolution may contain provisions which constitutes a part of the contract between the University and the holders of the bonds, as to items specified in the bill.

The bill provides that the bonds must mature within forty years from their date and they are payable from the fees and revenues as the University in its discretion may designate pursuant to the authorizing resolution and from any other available funds of the University designated by the University pursuant to the authorizing resolution except funds of the University derived from appropriations received from the General Assembly and any tuition funds pledged to the repayment of state institution bonds. The bill provides that the use of academic fees must be approved by the University board and the bonds are not general obligations of the State. The bill prohibits issuance of the bonds unless an identified source or sources of revenue are designated for the repayment of the bonds.

The Committee reported favorable on **S.463**, a bill which **CONFIRMS THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS' (DDSN) OWNERSHIP OF A CERTAIN 285 ACRE TRACT OF LAND IN RICHLAND COUNTY AND DIRECTS THE STATE BUDGET AND CONTROL BOARD TO DEED THIS PROPERTY TO DDSN AND**

**ALLOW DDSN THE PROCEEDS OF ANY SALE OF THE PROPERTY.** The transfer of this property from the Department of Mental Health to the Department of Mental Retardation was authorized by the General Assembly in 1972 but no deed was executed. DDSN is the successor agency to the Department of Mental Retardation.

The Committee reported favorable on **S.497**, a bill which **ALLOWS THE GOVERNING BODY OF A COUNTY BY ORDINANCE TO REDUCE THE ASSESSMENT RATION APPLICABLE IN DETERMINING THE ASSESSED VALUE OF GENERAL AIRCRAFT SUBJECT TO PROPERTY TAX IN THE COUNTY TO A RATIO AT LEAST FOUR PERCENT OF THE FAIR MARKET VALUE OF THE AIRCRAFT.** The bill requires that the ordinance must apply uniformly to all general aircraft subject to property tax in the county.

The Committee reported favorable, with a minority unfavorable report, on **H.3188**, a joint resolution which creates and provides for the **SOUTH CAROLINA UNBORN CHILDREN MONUMENT COMMISSION.** The bill charges this Commission to direct that a privately funded monument of specified proportions be erected in a prominent place on the State House grounds as a memorial to unborn children from legal abortions in South Carolina. The bill provides that the monument shall be a six foot statue of an unborn child on a two foot base to be placed in a prominent location on the State House grounds, visible from the roadway.

## **BILLS INTRODUCED IN THE HOUSE THIS WEEK**

### **AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS**

#### **S.513 HUNTING FEE INCREASES Sen. Fish, Game, and Forestry Committee**

This bill increases the combination hunting and fishing license fee for South Carolina residents from twenty to twenty-five dollars; increases the annual statewide hunting license fee for nonresidents from one hundred to one hundred twenty-five dollars; increases the statewide ten-day temporary hunting license fee for nonresidents from fifty to seventy-five dollars; increases the nonresident fee for a statewide three-day temporary hunting license from twenty-five to forty dollars; and increases the permit fee for nonresidents to hunt specified big game from eighty-nine to one hundred dollars.

#### **H.4051 COMMERCIAL CRAB POTS Rep. Miller**

Relating to the unlawful use of a "crab pot" for commercial purposes in and around Pawley's Island, this bill deletes references to "crab pot" and substitutes "blue crab



trap." The bill also deletes references to setting "crab pots" or catching crabs within one hundred fifty feet of the mean low tide watermark by means other than a "crab pot" for personal consumption. The bill includes prohibition of the use of blue crab traps for commercial purposes within certain waters of DeBordieu Creek and the Sampit River in Georgetown County and Little Chechessee Creek in Beaufort County. The bill also repeals a current provision relating to the commercial use of "crab pots" in Little Chechessee Creek in Beaufort County.

**H.4070 "AQUATIC LIFE PROTECTION ACT" Rep. Witherspoon**

This bill enacts and provides for implementation of the "Aquatic Life Protection Act," providing that the Department of Health and Environmental Control (DHEC) may only impose National Pollutant Discharge Elimination System (NPDES) permit limitations for whole effluent toxicity (WET) expressed in terms of survival endpoints where, based on the mixing zone authorized in the bill, DHEC determines that a discharge has the reasonable potential to cause or contribute to an excursion of a water quality criterion in Regulation 61-68 (Water Classification and Standards), other than numeric criteria for specific pollutants, that apply to the protection of indigenous aquatic organisms.

**H.4078 STATE REGULATED LIVESTOCK PRODUCERS Rep. Neilson**

This bill provides that a county may not enact an ordinance that supersedes or imposes a more stringent standard than certain specified standards established by the General Assembly relating to the production of livestock. The bill requires that the Department of Health and Environmental Control give notice to the legislative delegation of a county in which such a producer proposes to locate that the producer has applied for the required permit.

## **EDUCATION AND PUBLIC WORKS**

**S.581 "DARWIN H. SIMPSON UNIVERSITY READINESS CENTER" Sen. Hawkins**

This joint resolution names the new National Guard Armory on the University of South Carolina-Spartanburg campus the "Darwin H. Simpson University Readiness Center."

**H.4038 MAGNETIC INFORMATION STRIP ON DRIVER'S LICENSE Rep. Toole**

This bill authorizes the Department of Public Safety (DPS) to place on a driver's license a magnetic strip which contains the name and telephone number of a person who may be contacted in any emergency and any other information DPS determines to be appropriate.

**H.4053 CENTER LINES ON STATE HIGHWAYS AND ROADS Rep. Clyburn**

This bill requires that all roads, streets, and highways in the state highway secondary system on which the speed limit is forty-five miles per hour or higher must have center lines or raised pavement markers dividing opposing traffic.

**H.4069 TEACHER CONTRACTS Rep. J.H. Neal**

This bill provides that beginning with 2003-04 school year teacher contracts, all contracts must be for a period of one hundred eighty-six days rather than one hundred ninety days, with the local boards being empowered to determine which four days during the school term a teacher shall not work, provided no student instructional days may be missed. The bill allows local boards to provide that teachers be present for up to two days when their school is otherwise closed for vacation days which are not official state holidays. The bill prohibits reduction of annual teacher compensation and provides that such compensation shall be based on a *per diem* of one hundred eighty-six rather than one hundred ninety days.

**H.4074 STATE AUTISM TRAINING CENTER Rep. Limehouse**

This bill authorizes and provides for the State Autism Training Center, which would offer education and training for professional personnel and family members or guardians through identification, evaluation, education, individual training, and treatment programs for persons with the primary diagnosis of autism or autistic-like behavior.

## JUDICIARY

**S.477 "DOMESTIC VIOLENCE PREVENTION ACT OF 2003" Sen. Ritchie**

This bill enacts the "Domestic Violence Prevention Act Of 2003" to provide comprehensive revisions regarding domestic violence.

**S.555 VIOLATION OF THE UNIFORM SECURITIES ACT Sen. Martin**

This bill revises the to jurisdiction of the grand jury, so as to add crimes involving any violation of the Uniform Securities Act, or any crime related to securities fraud or a violation of the securities laws. The bill provides that every person who knowingly and substantially assists a seller or other person who engages in fraudulent acts in violation of the South Carolina Securities Act will be jointly and severally liable to the same extent as the assisted person who engaged in the fraudulent activity. The bill requires that in cases involving deception to investors the limitations period is extended to three years after discovery of the untrue statement or omission, or after the discovery should have been made by reasonable diligence.

**H.4004 COMMERCIAL EXPLOITATION OF VULNERABLE ADULTS**

**Rep. Hinson**

This bill revises the definition of "exploitation" under the Omnibus Adult Protection Act, so as to include causing a vulnerable adult to purchase goods or services for the profit of another using, among other things, duress, coercion, or swindling.

**S.94 NOTIFICATION REQUIRED WHEN VOTER IS TRANSFERRED TO NEW PRECINCT/DISTRICT Sen. Anderson**

This bill requires that a voter to be notified of his transfer to a new voting precinct and of his transfer to a new election district for a special purpose district, school



district, municipality, county, the South Carolina House of Representatives, or the South Carolina Senate.

**S.593 SPECIAL PURPOSE DISTRICT PROVIDING WATERWORKS OR SEWER SERVICE OUTSIDE OF ITS DIMINISHED BOUNDARIES** Senator Verdin

This bill provides that, if the boundaries of a special purpose district providing waterworks or sewer service are diminished, the special purpose district may continue to provide water or sewer services outside of its diminished boundaries pursuant to an intergovernmental agreement with one or more political subdivisions authorized to provide the water or sewer service directly, and to further provide that this continuation of water or sewer service must be approved by the county board by resolution.

**H.4019 PROPOSED CONSTITUTIONAL AMENDMENT ON STATE GOVERNMENT RESTRUCTURING** Rep. Edge

This joint resolution proposes amending the South Carolina Constitution so as to remove the Adjutant General, Commissioner of Agriculture, Superintendent of Education, and Treasurer from the list of state officers which the constitution requires to be elected and provides, instead, that these positions be appointed by the Governor, upon the advice and consent of the Senate. The joint resolution also proposes an amendment to the constitution to abolish the offices of Secretary of State and Comptroller General with the duties and functions of these offices devolved upon the office of the Governor in the manner the General Assembly shall provide by law.

**H.4020 BUDGET AND CONTROL MEMBERSHIP REVISED ACCORDING TO RESTRUCTURING CONSTITUTIONAL AMENDMENTS** Rep. Edge

This bill provides eliminates the Comptroller General and State Treasurer as members of the Budget and Control Board contingent upon ratification of certain state government restructuring amendments to the South Carolina Constitution.

**H.4021 FEES FOR FREEDOM OF INFORMATION ACT COPYING** Rep. Edge

This bill revises provisions relating to the right to inspect or copy public records under the Freedom of Information Act and the fees for copying those records, so as to provide that the charge made by a public body for copies of public records may not exceed certain specified amounts.

**H.4022 POWERS OF A NOTARY PUBLIC** Rep. Edge

This bill revises the powers of a notary public in this state, so as to exclude the administration of an oath in connection with a marriage ceremony as an authorized notarial act.

**H.4030 JURISDICTION TO ISSUE PARKING CITATIONS REGARDING HANDICAPPED SPACES** Rep. Quinn

This bill provides that a police jurisdiction may issue citations for motor vehicles that are illegally parked in spaces reserved for handicapped individuals in parking lots that are not posted with signs that inform the public that the parking lot is subject to police jurisdiction.

**H.4031 CHILD/SPOUSAL SUPPORT OBLIGATIONS OF INDIVIDUAL CALLED TO ACTIVE MILITARY SERVICE Rep. Altman**

This bill provides that if an individual serving in the military is called to active duty in a time of war and is under a court-ordered obligation to pay child support, a reduction in that individual's pay, due to being called into active duty, constitutes a material change in circumstances and the individual's child support obligations and spousal support obligations must be reduced by a percentage commensurate with the percentage reduction in the individual's pay. The bill provides that neither a child support nor spousal support arrearage may accrue against such an individual during active duty service. The bill requires the individual to notify the family court when the individual is discharged from active duty.

**H.4032 TIME LIMITATION ON THE COMMENCEMENT OF ANY PROBATE, TESTACY, AND APPOINTMENT PROCEEDINGS Rep. Rivers**

This bill repeals a provision relating to the ultimate time limitation on the commencement of any probate, testacy, and appointment proceedings.

**H.4037 INMATE CONFINED IN A REGIONAL CORRECTIONAL FACILITY Rep. G. Brown**

This bill provides that an inmate confined in a regional correctional facility may be served a warrant by a law enforcement officer of a county which participates in the funding of the facility without it being countersigned by officials of the county if its location is different.

**H.4054 THEFT OF COMMUNICATION SERVICES Rep. Harrison**

This bill revises certain offenses relating to theft of communication services. The bill provides new definitions and establishes certain civil actions by persons aggrieved by a violation. The bill provides for damages that may be recovered and revises certain penalties for violations.

**H.4055 ELECTION LAWS Rep. Harrison**

This bill provides for comprehensive election laws revisions.

**S.182 "SOUTH CAROLINA MARITIME SECURITY ACT" Sen. McConnell**

This bill enacts the "South Carolina Maritime Security Act", by creating the South Carolina Maritime Security Commission; providing for the commission's membership, duties, and responsibilities; and by providing that the South Carolina Naval Militia must be an organized, structured, trained, and certified volunteer state maritime force.

**S.407 WINE SAMPLING Sen. Richardson**

This bill provides an establishment licensed to serve minibottles is authorized to conduct samplings of wines in excess of sixteen percent alcohol, cordials, and distilled spirits, if the sampling is conducted in accordance with the provisions of this legislation.



**S.500 CHILDREN'S ADVOCACY CENTERS Sen. McConnell**

This bill defines "children's advocacy center" and provides that children's advocacy center records are confidential.

**S.575 JURY POOLS IN MUNICIPAL AND MAGISTRATE COURTS  
Sen. McConnell**

This bill revises provisions regarding jury pools in municipal and magistrate courts.

**H.4058 "SOUTH CAROLINA INCLUSIONARY ZONING ACT" Rep. J. H. Neal**

This bill enacts the South Carolina Inclusionary Zoning Act to provide that counties and municipalities are empowered to use inclusionary zoning strategies to expand the availability of affordable housing.

**H.4062 RACIAL PROFILING BY LAW ENFORCEMENT Rep. J. H. Neal**

This bill establishes provisions to monitor and discourage any race-based traffic and pedestrian stops conducted by law enforcement officers.

**H.4063 PRIVATE CORRECTIONAL FACILITIES PROHIBITED Rep. J. H. Neal**

This bill provide that the state, a county, or a municipality within this state may not authorize the construction or establishment of a private correctional facility in this state or contract with a private contractor or private vendor for the provision of services related to the operation of an adult or juvenile correctional facility in this state. The bill prohibits certain actions relating to the privatization of adult or juvenile correctional facilities in this state.

**H.4064 PROPOSED CONSTITUTIONAL AMENDMENT ON PUBLICLY  
FUNDED CAMPAIGNS Rep. J. H. Neal**

This joint resolution proposes an amendment to the Constitution of South Carolina so as to authorize a procedure by which a candidate for elective office may finance his campaign with public funds as the General Assembly may determine.

**H.4065 "DEATH PENALTY MORATORIUM ACT" Rep. J. H. Neal**

This bill enacts the Death Penalty Moratorium Act. The bill creates the Commission on the Death Penalty, provides for its members, their appointment, powers and duties. The bill provides that the state shall not carry out a sentence of death imposed under state law until the General Assembly considers the final findings and recommendations of the Commission on the Death Penalty in the report submitted under this legislation, and enacts legislation repealing this legislation and implementing or rejecting the guidelines and procedures recommended by the commission.

**H.4066 "SOUTH CAROLINA CLEAN ELECTIONS ACT" Rep. J. H. Neal**

This bill enact the "South Carolina Clean Elections Act", to provide a procedure by which certain candidates for office who agree to limitations on contributions receive a predetermined amount of public funds for campaigns. The bill requires electronic disclosures for all campaign contributions to candidates and political committees.

**H.4068 "INNOCENCE PROTECTION ACT" Rep. J. H. Neal**

This bill enacts the "Innocence Protection Act" to provide that a person in custody after conviction may apply to the court for certain forensic DNA testing. The bill provides for the duties and responsibilities of a court upon receipt of an application for DNA testing, and provides for preservation of biological material secured in connection with a criminal case for so long as the material may have probative value as evidence.

**H.4071 PROPOSED CONSTITUTIONAL AMENDMENT ON STATE GOVERNMENT RESTRUCTURING Rep. Wilkins**

This joint resolution proposes to amend the South Carolina Constitution so as to remove the Comptroller General, Secretary of State, Superintendent of Education, and Treasurer from the list of state officers which the constitution requires to be elected. The proposed amendment provides, instead, that the Secretary of State and Superintendent of Education must be appointed by the Governor, upon the advice and consent of the Senate and the House of Representatives. The proposed amendment provides that the Comptroller General and Treasurer must be appointed by unanimous vote of the State Budget and Control Board upon nomination of the Governor, with the persons appointed Comptroller General and Treasurer being ineligible to serve as a member of the State Budget and Control Board. The joint resolution proposes a constitutional amendment under which the State Board of Education would be abolished effective upon the State Superintendent of Education being appointed by the Governor.

## **LABOR, COMMERCE AND INDUSTRY**

**S.386 VOLUNTARY STATE CONSTABLE'S SERVICES WORKERS' COMPENSATION Sen. Gregory**

This bill eliminates the requirements that the governing body of the entity using a voluntary state constable's services must approve and fund the premiums for his participation in the workers' compensation system and instead provide that the workers' compensation premiums for these constables must be paid from the state general fund upon warrant of the Chief of the State Law Enforcement Division.

**H.4005 EMERGENCY EXPANSION OF THE SOUTH CAROLINA WIND AND HAIL UNDERWRITING ASSOCIATION TERRITORY TO SEACOAST COUNTIES Rep. Cato**

This bill authorizes the Director of the Department of Insurance to expand, on an emergency basis, the area in which the South Carolina Wind and Hail Underwriting Association must provide essential property insurance to include seacoast counties for a period of two years rather than one year.

**S.222 "CONSUMER IDENTITY THEFT PROTECTION ACT" Sen. Short**

This bill enacts the "Consumer Identity Theft Protection Act", to provide for the establishment of an identity theft database by the Attorney General; to provide an expedited court procedure for clearing the name of an identity theft victim; to



provide strict requirements for identity verification by a credit card issuer; to provide for the blocking of inaccurate credit report information resulting from identity theft; and to provide that the credit agency's notice and reporting requirements conform to those of the Federal Fair Credit Reporting Act.

**S.507 WORKERS' COMPENSATION REPORTING Sen. Reese**

This bill revises provisions relating to deductibles that must be offered on policies of workers' compensation insurance, so as to increase the maximum deductible allowed from two thousand five hundred dollars to five thousand dollars. The bill provides that an injury for which there is no compensable lost time or permanency and cost of medical treatment does not exceed five thousand dollars rather than the existing two thousand five hundred dollar limit imposed by regulation requires only annual reporting. The bill revises provisions relating to employees' records and reports of injuries for purposes of the South Carolina Workers' Compensation Law, so as to provide that an injury for which there is no compensable lost time or permanency and cost of medical treatment does not exceed five thousand dollars rather than the existing two thousand five hundred dollar limit imposed by regulation requires only annual reporting.

**H.4018 EXEMPTION OF PROFESSIONAL SPORTS TEAM PLAYER FROM WORKERS' COMPENSATION LAW Rep. Cato**

This bill defines "professional sports team player" and "player" for purposes of the South Carolina Workers' Compensation Law and authorizes a professional sports team player to exempt himself from the workers' compensation law upon giving proper notice. The bill provides for the form and the manner in which the notice must be given.

**H.4039 LIMITATIONS ON ISSUANCE OF SELLER/LENDER CREDIT CARDS Rep. Stewart**

This bill prohibits the issuance and distribution of a seller credit card by a credit card issuer without a signed, written request for card ownership by the prospective credit card owner. The bill prohibits the issuance and distribution of a lender credit card by a credit card issuer without a signed, written request for card ownership by the prospective credit card owner.

**H.4047 EXEMPTION OF MUNICIPAL UTILITIES FROM REGULATION BY THE PUBLIC SERVICE COMMISSION Rep. Koon**

This bill revises provisions relating to the exemption of municipal utilities from regulation by the Public Service Commission, so as to limit the exemption to a public utility's operations within the municipality's corporate limits. The bill revises provisions relating to the prohibition on regulation by the Public Service Commission of contracts made by a municipality, so as to limit the prohibition to contracts made by a municipality with customers located within the corporate limits of the municipality.

**H.4050 LINE EXTENSION CONSTRUCTED BY A PUBLIC WATER SYSTEM**

**Rep. Loftis**

This bill provides that a public water system with a professional engineer on staff and which has a general construction permit may construct a line extension that serves or may serve more than one consumer.

**H.4057 ALTERNATIVE BASE PERIOD FOR CERTAIN CLAIMANTS UNDER THE SOUTH CAROLINA EMPLOYMENT SECURITY LAW**

**Rep. J. H. Neal**

This bill provides for an alternative base period for certain claimants of benefits under the South Carolina Employment Security Law. The bill defines "alternative base period", and further provides that, when certain information is not available, the commission may base the determination for eligibility for unemployment insurance benefits on the affidavit of a claimant with respect to weeks and wages for certain calendar quarters.

**H.4067 "SOUTH CAROLINA LIVING WAGE ACT" Rep. J. H. Neal**

This bill enacts the South Carolina Living Wage Act to provide that a state contract for services must require state contractors to pay an hourly wage rate that is at least the living wage. The bill provides for the amount of the initial living wage with and without insurance benefits; provides for waivers of the requirement of paying a living wage based on economic hardship; and provides for the administration and enforcement of these provisions.

**H.4075 CAPTIVE INSURANCE COMPANIES Rep. Cato**

This bill revises provisions relating to captive insurance companies, so as to, among other things, authorize captive insurance companies to form as limited liability companies; to impose a fee for the use of internal resources to examine and investigate applications for licensure; to increase the annual renewal license fee; to add a fee to recover reasonable costs of processing certifications; and to limit premium taxes to one hundred thousand dollars annually for direct premium and assumed reinsurance premiums.

**H.4076 INSURANCE LAW REVISIONS Rep. Cato**

This bill provides for numerous revisions to insurance laws.

**H.4077 UNEARNED SERVICE CHARGE REFUND Rep. Cato**

This bill changes the method used for calculating the unearned service charge refund if the borrower cancels before maturity of a premium service agreement.

**H.4079 WAIVER OF A HORIZONTAL PROPERTY REGIME Rep. Miller**

This bill revises provisions relating to waiver of a horizontal property regime and regrouping or merger of records of the individual apartments with the principal property, so as to allow the actions upon a vote of a simple majority of the co-owners of a property, other than a nonprofit long-term care retirement or life care facility. The bill eliminates the requirement of a vote by the creditors of encumbered individual apartments.



**H.4080 DEPARTMENT OF INSURANCE MATTERS Rep. Tripp**

This bill revises provisions relating to the service of legal process on an insurance company and on an insurer not licensed in this state, so as to increase the fees charged by the Director of the Department of Insurance for costs incurred by him. The bill revises provisions relating to chartering risk retention groups, so as to require additional information at the time the group files its application. The bill revises provisions relating to information furnished the Department of Insurance by a purchasing group, so as to require an initial registration fee of two hundred dollars and an annual fee of one hundred dollars.

**H.4081 LABOR OR MATERIAL FOR THE IMPROVEMENT OF REAL ESTATE**

**Rep. Edge**

This bill provides that an engineer, architect, or landscape architect who performs or provides professional services for the improvement of real estate is considered to have furnished labor or material for the improvement of real estate. The bill further provides that, under certain conditions, a real estate broker who performs professional services for the owner of real estate incident to a real estate transaction pursuant to a written agreement has furnished labor or material for the improvement of real estate.

**H.4082 PROHIBITED ACTIVITIES OF MORTGAGE LOAN BROKERS**

**Rep. Edge**

This bill provides that a mortgage loan broker may not fail to pay for certain appraisal services, or attempt to influence certain real estate appraisals by coercion, extortion, or bribery.

## **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

**H.4007 REGULATION OF DENTAL HYGIENISTS Rep. Bingham**

This bill specifies functions and procedures which must not be delegated to dental hygienists, and for purposes of supervision and control of certain dental procedures, revises the current definition of "general supervision" and adds a definition for "authorized." The bill also delineates functions which, in a private dental office setting, may be performed by a dental hygienist only under general supervision, and the bill provides criteria which must be met before a private-office dentist authorizes general supervision. The bill also revises provisions pertaining to dental hygienists providing services in a public health setting.

**H.4049 TOBACCO USE PREVENTION PROGRAMS STUDY Rep. Breeland**

This joint resolution creates and provides for a task force to study tobacco use prevention programs and to make recommendations on ways to improve the delivery of services related to these programs. The study would be staffed by personnel from the House 3-M Committee, House Research, Senate Medical Affairs, and Senate Research. The task force is to report to the Governor and the General Assembly by January 1, 2004, at which time the task force is abolished.

**H.4060 ESTABLISHMENT OF A "SELF-SUFFICIENCY STANDARD" FOR CERTAIN EMPLOYED ADULTS** Rep. J.H. Neal

This bill provides for the establishment of a "self-sufficiency standard" for state agencies to use for assisting individuals in establishing personal financial goals and for estimating the amount of income needed to support their families. The bill requires the Department of Social Services (DSS) to contract for development of this standard by January 1, 2004, taking into account various considerations specified in the bill. The bill requires DSS to distribute the standard to all state agencies that counsel individuals who are seeking education, training, or employment, and requires those agencies to use the standard to assist these individuals.

## **WAYS AND MEANS**

**S.464 STATE ENGINEER POSITION** Sen. Leatherman

This bill amends various sections of law relating to the rights and duties of the State Engineer. The bill exempts the State Engineer position from State employee grievance rights and procedures. The bill also adds a requirement that the person holding this position must be registered in this State as a professional engineer, and the State Engineer serves at the will of the State Budget and Control Board.

**S.497 ASSESSMENT RATIO FOR GENERAL AVIATION AIRCRAFT** Sen. Hayes

This bill allows the governing body of a county by ordinance to reduce the assessment ration applicable in determining the assessed value of general aircraft subject to property tax in the county to a ratio at least four percent of the fair market value of the aircraft. The bill requires that the ordinance must apply uniformly to all general aircraft subject to property tax in the county.

**S.516 DEFINITIONS RELATING TO TARGETED JOBS TAX CREDIT** Sen. McGill

For purposes of the jobs tax credit, this bill defines "new job" to include jobs created by a taxpayer when the taxpayer hires more than five hundred full-time individuals: at a manufacturing facility in a "distressed" or "least developed" county; immediately before their employment by the taxpayer, the individuals were employed by a company operating under Chapter 11 bankruptcy; the taxpayer, as an unrelated entity, acquires substantially all of the assets of the company operating under Chapter 11 bankruptcy.

**S.550 LOCAL OPTION SALES TAX COLLECTIONS AND DISTRIBUTIONS** Sen. Leatherman

This joint resolution allows the Department of Revenue and the State Treasurer's Office to adjust misallocations of local option sales tax revenue collections and distributions in Fiscal Year 2001-02 during the succeeding two fiscal years for the purpose of providing a one-time corrected base for the use of the State Treasurer's



Office in calculating future distributions. The resolution also provides for the manner in which the Treasurer's Office will use the adjusted amount for future distributions.

**H.4006 CULINARY PROGRAM AT TRIDENT TECH Rep. Harrell**

This bill allows and provides for Trident Technical College to establish a four-year culinary curriculum program and award baccalaureate degrees in culinary arts. The bill provides that funding for the program will be provided by the State Board for Technical and Comprehensive Education from existing appropriations for instructional programs or from other available sources as determined by the state board.

**H.4008 REVISIONS TO STATE RETIREMENT SYSTEMS Rep. Cooper**

This bill makes numerous revisions to the current state retirement system. These revisions include, but are not limited to:

- A revision of the term "earned service" so as to include in that definition service rendered while participating in the State Optional Retirement Program (ORP); the Optional Retirement Program for Teachers and School Administrators (ORPTSA); or the Optional Retirement Program for Publicly-Supported Four-Year and Postgraduate Institutions of Higher Education (Higher Ed ORP) that has been purchased pursuant to specified procedure; or service earned as a participant in the system, the South Carolina Police Officers Retirement System (PORS), the General Assembly Retirement System (GARS), or the Judges' and Solicitors' Retirement System (JSRS) that is transferred to or purchased in the system;
- A provision that a retirement system member's highest fiscal year salary shall include the salary while participating in the ORP, the ORPTSA, or the Higher Ed ORP if the member has purchased service rendered under any of these programs pursuant to specific provisions of the bill;
- A provision that an active member on an approved leave of absence from a participating employer who returns to covered employment within four years may purchase service credit for the approved leave, under specified conditions; Currently, there is no time specified for return to employment;
- Provisions regarding an active member's establishment of service credit for periods of service in the ORP, ORPTSA, or the Higher Ed ORP by making payments to the system which are determined by the State Budget and Control Board, but which must be at least sixteen percent of the member's current salary or career highest fiscal year salary, whichever is greater, for each year of credit purchased;
- A provision that earned service previously withdrawn and reestablished, purchased service credit earned as a participant in the ORP, the ORPTSA, or the Higher Ed ORP, or service earned as a participant in the system, the PORS, the GARS, or the JSRS that is transferred to or purchased in the

system, is "earned service" and is eligible to be counted toward the required five or more years of service necessary for benefit eligibility;

- A revision of the definition of "eligible employee" so as to add to that definition a person hired on or after July 1, 2003, by specified employers to fill a temporary position or a part-time position; an employee hired after January 1, 2003, by the State who is not covered by the State Employee Grievance Procedure but who is eligible to participate in the South Carolina Retirement System (SCRS) or the PORs;
- A provision defining "open enrollment period" to mean the period from January first to March first of each year;
- A provision requiring that a State ORP participant who accepts an additional concurrent position with an employer participating in the SCRS must enroll in the State ORP for the second position if the second position is eligible to participate in the State ORP;
- A provision that a member of the SCRS who accepts an additional concurrent position with an employer participating in the SCRS must enroll in the SCRS with respect to that position;
- Deletion of current exceptions to the provision that election to participate in the State ORP is irrevocable, and addition of language providing for a State ORP participant to join the SCRS and addition of a provision that any ORP participant who was a participant in the Higher Ed ORP may irrevocably elect to participate in the SCRS during the open enrollment period from January 1, 2004, to March 1, 2004.

**H.4016 "THE COLLEGE OF CHARLESTON ACADEMIC AND ADMINISTRATIVE FACILITIES BOND ACT" Rep. Harrell**

This bill enacts "The College of Charleston Academic and Administrative Facilities Bond Act," which provides for the manner in which and conditions under which the College of Charleston (the University) may issue revenue bonds for the acquisition of academic and administrative buildings.

The bill authorizes and provides for the University, subject to the approval of the State Budget and Control Board, to issue bonds of the University for the purpose of financing or refinancing in whole or in part the cost of acquisition, construction, reconstruction, renovation, and improvements of land, buildings, and other improvements to real property and equipment for the purpose of providing certain academic and administrative buildings as defined in the bill. The bill requires that bonds issued must be authorized by a resolution of the board of the university, and the bill provides that the resolution may contain provisions which constitutes a part of the contract between the University and the holders of the bonds, as to items specified in the bill.



The bill provides that the bonds must mature within forty years from their date and they are payable from the fees and revenues as the University in its discretion may designate pursuant to the authorizing resolution and from any other available funds of the University designated by the University pursuant to the authorizing resolution except funds of the University derived from appropriations received from the General Assembly and any tuition funds pledged to the repayment of state institution bonds. The bill provides that the use of academic fees must be approved by the University board and the bonds are not general obligations of the State. The bill prohibits issuance of the bonds unless an identified source or sources of revenue are designated for the repayment of the bonds.

**H.4017 *PENALTIES FOR UNLAWFULLY PASSING A STOPPED SCHOOL BUS* Rep. Rutherford**

This bill requires that all fines imposed for unlawfully passing a stopped school bus must be placed in a special account and used to establish scholarships the University of South Carolina School of Medicine and the Medical University of South Carolina to train medical students in the field of trauma medicine.

**H.4025 *SALES TAX* Rep. Harrell**

This bill provides that in the case of a bundled transaction that includes telecommunication services, if the nonitemized price is attributable to properties or services that are taxable and nontaxable, the portion of the price attributable to any nontaxable property or service is subject to sales tax unless the provider can reasonably identify that portion from its books and records kept in the regular course of business for purposes other than sales taxes. The bill defines "bundled transaction" as a transaction consisting of distinct and identifiable properties or services, which are sold for one nonitemized price but which are treated differently for tax purposes.

**H.4028 *VENDING FACILITIES OF THE SOUTH CAROLINA COMMISSION FOR THE BLIND* Rep. Cotty**

This bill excludes the South Carolina State Museum from those buildings which are subject to the rules of operation of vending facilities by the Commission for the Blind.

**H.4044 *OPTIONAL FORMS OF RETIREMENT ALLOWANCES UNDER STATE AND POLICE OFFICERS RETIREMENT SYSTEMS* Rep. G.M. Smith**

This bill provides that under the State Retirement System and the Police Officers Retirement System, a member who elected a retirement option that included an advance of his federal Social Security benefits which is no longer offered under the system may change this election on a one-time basis to any other retirement option now offered retirees under this system. The bill also provides that in addition to other benefit adjustments required to reflect the member's new election, the revised benefit allowance under the option elected is adjusted to reflect an actuarial recoupment of the federal Social Security benefits previously advanced plus eight percent interest.

**H.4045 MEDICATION ASSISTANCE TO SENIORS (MATS)**  
**PROGRAM Rep. Govan**

This bill creates and provides for the Medication Assistance to Seniors (MATS) Program in the Division of Aging of the Department of Health and Human Services. The program is intended to assist low income seniors with obtaining prescription drugs from manufacturers' pharmaceutical assistance programs.

**H.4046 GENDER-BASED WAGE DISCRIMINATION** Rep. Moody-Lawrence

This bill prohibits any state agency or any agency of a political subdivision of the state from paying different wages based upon gender to individuals performing comparable work and skills. The bill provides that an individual who is aggrieved by this provision is entitled to receive equal pay and retroactive reimbursement.

**H.4048 STREAMLINED MANAGEMENT AND ACCOUNTABLE RESOURCES**  
**FOR TEACHING FUNDING IN EDUCATION ACT** Rep. J.R. Smith

This bill enacts and provides for the Streamlined Management and Accountable Resources for Teaching Funding in Education Act (the Act). The Act consolidates all current sources of state funding of the state's school districts for enhanced flexibility in their operations of grades K-12. Funding under the Act would be allocated in six categories: quality teaching; instruction; technical assistance; operations, infrastructure, and safety; workforce education; and special needs. The bill requires the State Department of Education to adopt and implement an accounting network between the department and each local school district for oversight and management of transfers made pursuant to the bill.

**S.34 ACCOUNTABILITY IN ATTRACTING BUSINESS/INDUSTRY** Sen. Knotts

This bill amends current provisions regarding the Department of Commerce (the Department) by adding a provision that monies constituting a fund of any kind used by the Department in carrying out its purpose are (regardless of their source) public monies and are subject to all accountability requirements for public monies unless exempt under the Freedom of Information Act. The bill requires the Director of the Department to submit annually to the Governor and to specified members of the General Assembly a detailed written report of expenditures for each such fund during the previous year.

The bill also amends the Freedom of Information Act so as to include marine terminal service and non-tariff agreements under the definition of "trade secrets," and therefore eligible for exemption from disclosure. The bill further amends the Freedom of Information Act so as to provide that an incentive agreement made with an industry or business: requiring the expenditure of public funds or the transfer of anything of value; reducing the rate or altering the method of taxation of the business or industry; or otherwise impacting the offeror fiscally, is not exempt from public disclosure under specified conditions.

The bill provides that the Governor's cabinet meetings are subject to provisions of the Freedom of Information Act only when the cabinet is convened to discuss or act upon a matter over which the Governor has by executive order granted the cabinet supervision, control, jurisdiction, or advisory power.



**H.4059 PUBLIC PROCUREMENT CONTRACTS Rep. J.H. Neal**

This bill requires the State General Services office to establish and offer a program to provide surety bond technical assistance for the benefit of historically underutilized businesses for purposes of bidding on public procurement contracts. The bill defines "historically underutilized business" as a small business that is a profit-making corporation, sole proprietorship, partnership, or joint venture in which more than fifty percent of the stock or securities are owned by Black Americans, Hispanic Americans, Asian Pacific Americans, Native Americans, or women. "Small business" is defined as an entity which qualifies as a small business pursuant to a specified section of the Code of Federal Regulations.

**H.4061 "MICROENTERPRISE DEVELOPMENT ACT" Rep. J.H. Neal**

This bill requires and provides for establishment of a "microenterprise" technical assistance and capacity building grant program to be provided by the Coordinating Council for Economic Development, for the purpose of providing grant assistance to qualified organizations which have a record of serving low-income individuals. The bill defines "microenterprise" as a sole proprietorship, partnership, or corporation that has fewer than five employees and generally lacks access to conventional loans, equity, or other banking services. The bill provides that organizations receiving such grants shall use the funds to provide training and technical assistance to "low-income entrepreneurs," as defined in the bill. Organizations receiving grants must provide at least one dollar in matching funds for every dollar of state funding assistance.

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